REMARKS/ARGUMENTS

Prior to this Amendment, claims 1-70 were pending in the application. No claim amendments are made with this Amendment, and the Listing of Claims is provided for the ease of the Examiner in reviewing the pending claims.

After entry of the Amendment, claims 1-70 remain for consideration by the Examiner.

Claim Rejections Under 35 U.S.C. §103

In the Office Action, claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 6,134,530 ("Bunting") in view of U.S. Publ. No. 2002/0128892 ("Farenden") and in further view of U.S. Pat. No. 6,732,079 ("Kintner"). This rejection is traversed based on the following remarks.

In the prior Office Action, the Examiner cited Bunting and Farenden in rejecting claims 1-70 as being obvious. In this Office Action, claims 1-5, which were amended in the prior Amendment, are rejected based on Bunting and Farenden in view of the newly-cited reference Kintner, and the rejection of claims 6-70 based on Bunting and Farenden is maintained from the first Office Action. Bunting is cited in the Office Action for teaching all the elements of the independent claims except for the recruiting and screening elements. Farenden and Kintner are cited in an attempt to overcome these admitted deficiencies of Bunting. Applicant disagrees that Farenden and Kintner teach each of the recruiting and screening claim elements found in the claims and missing from Bunting.

Specifically, claim 1 calls for storing information including task skills for remote workers and then storing information on tasks to be completed. Tasks are dispatched. Then, the capacity of the system is managed based on information about the stored task, and such management includes "predicting future demand for the remote workers based on the stored tasks." When the predicted future demand is not going to be met by the remote workers, then recruiting of potential workers is performed. Farenden is cited for teaching the recruiting step in

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paragraphs [0010] and [0011], but Farenden provides no teaching of managing a system resources that includes predicting future demand for workers as called for in claim 1 and then recruiting when the predicted future demand cannot be met with present remote workers based on a comparison or analysis of the stored worker information.

Farenden is directed toward recruiting processes. However, there is no discussion of managing a plurality of remote workers including determining if they can meet a predicted future demand, and when not, initiating recruiting efforts. Instead, Farenden shows in Figure 3 a block labeled "Defining Hiring Objectives" (box 37), which is described in para. [0086] as simply defining objectives for hiring for an upcoming year. There is no discussion of inspecting records of existing workers and comparing this to a predicted future demand. The demand in turn is determined based on stored tasks. Figure 1 includes a planning and preparation block (block 3), but this is not described in any detail (see, for example, para. [0079]). Hence, Farenden fails to teach the method of claim 1 as it fails to teach managing a system of remote workers including predicting a future demand and then recruiting when the demand is not met. Much of this argument was presented in the prior Amendment, and the Examiner appears to agree because Kintner has been added as a reference in an attempt to provide a combination of references that teach all the limitations of claim 1.

Specifically, the Office Action cites Kintner at col. 2, lines 40-55 and col. 3, lines 55-67 for teaching the managing of capacity of a system that includes "predicting future demand for the remote workers based on the stored tasks." However, the cited portions of Kintner fail to show that future demand for remote workers or its mix of regular employees and contractors is "based on the stored tasks." At col. 2, lines 49-55, Kintner teaches that its method starts with "the preparation of a long-term work forecast of an organization in which there are substantial changes in workload from month to month or year to year" and the

"estimated work requirements by forecast period are entered into the database."
There is no discussion that the estimated work requirements are prepared based
on a set of stored tasks to be completed as called for in claim 1. At col. 3, lines 55-
67, Kintner again says data on workload is required as input but there is no
teaching that such forecasting involves receiving and storing tasks to be completed
and then basing a prediction of workload on such stored tasks. At col. 9, lines 1-9,
Kintner discusses the input data for its program as including a "number of units of
work to be completed by the workforce" in a planning period, but, again, there is no
discussion that such predicting of future demand should be done based on the
stored tasks. Kintner also would motivate one skilled in the art to make such a
forecast based on a job type such as engineering designer rather than on specific
tasks, which differs from the method of claim 1 and would produce differing results
as basing recruiting on task skills is not the same as basing recruiting based on job
types (see, for example, Kintner at col. 2, lines 56-67 with the analysis being done
for particular worker types such as engineering designers). Hence, the combined
teaching of these three references fails to teach the managing of capacity step of
claim 1.

Claim 1 further calls for a recruiting of potential workers "when the predicted
future demand is determined to not be met by the remote workers based on a
comparison of the predicted future demand and the stored remote worker
information in the database." The Office Action cites the same portions of Kintner
as noted above for teaching this recruiting step, and also summarizes this teaching
as "where the system inputs a demand forecast for employees and employees are
hired or terminated based on the optimal forecasting plan." However, Kintner never
teaches that future demand is determined not be met "based on a comparison of
the predicted future demand and the stored remote worker information in the
database" at the cited sections. Further, claim 1 calls for "recruiting potential
workers" when the future demand is determined to not be met by existing remote

workers and Kintner teaches its output is merely recommended mixes of regular and contract employees that should be hired or terminated in certain periods and does not teach a responsive recruiting step. As a result, the Kintner fails to overcome the admitted deficiencies of Bunting as it fails to teach either the managing or recruiting steps of claim 1. Hence, Applicant requests that the rejection of claim 1 based on the combined teaching of these three references be withdrawn.

Claims 2-5 depend from claim 1 and are believed allowable over the combined teaching of Bunting, Farenden, and Kintner for the reasons provided for claim 1. Further, claim 5 calls for the recruiting to include administering a screening test to a potential worker that includes "evaluating skills of the responding potential worker to perform the types of task steps associated with the stored tasks associated with the recruiting messages." Farenden shows in Figure 60 an evaluation of a candidate that may be performed at one of its recruiting events. There is no discussion of evaluating the skill of a candidate to perform types of task steps associated with a particular stored task, which caused the recruiting to be initiated. Instead, the process of Figure 60 is described in paras. [0170]-[0174] as generally involving an interview and an exercise to evaluate "leadership behaviors" (which are further defined in para. [0172]). Hence, there is no skill testing to see if a candidate can perform task steps, and particularly, task steps associated with a stored task for which demand exceeds supply in a set of remote workers. The only other screening discussed in Farenden is a skills questionnaire, but this is described in the text as providing experience and qualifications and not particular skills associated with performing tasks (such as the task steps listed in claim 2). For these additional reasons, claim 5 is believed allowable over Bunting and Farenden.

The Response to Arguments states that the Examiner disagrees with this argument and cites to para. [0143] and paras. [0170] to [0174] for providing this

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teaching. Applicant strongly disagrees that these citations teach the claim limitations of claim 5. Specifically, claim 5 calls for "administrating a screening test" that includes "evaluating skills of the responding potential worker to perform the types of task steps associated with the stored tasks." Para. [0143] states that candidate "invitation is an ongoing step during which recruiters evaluate candidate profiles." This provides no teaching of a potential worker that responds to a recruiting message performing or completing a screening test that evaluates their skills to perform a type of task step. Instead, this paragraph merely discusses a recruiter looking to see if a candidate is an electrical engineer but not that a screening test is administered to the candidate to see if he can perform electrical engineering or any other types of task steps. In paras. [0170]-[0174], the Examiner notes that an interview is performed to identify leadership qualities for a candidate, but there is no linking of such "skills" to a types of task steps "associated with the stored tasks associated with the recruiting messages." These are general characteristics for all candidates and do not provide an indication of whether the candidate can perform particular task steps. Hence, the administering step of claim 5 is not shown or suggested by Farenden, and Applicant requests that the rejection of claim 5 be withdrawn as not supported by the combination of references.

Additionally, in the Office Action, claims 6-70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bunting in view of Farenden. This rejection is traversed based on the following remarks.

Independent claim 6 is directed to a system with limitations similar to that of claim 1 written in apparatus/system form, and the reasons for allowing claim 1 over Bunting and Farenden are applicable to claim 6. Specifically, Applicant believes that Farenden and Bunting fail to teach the capacity manager of claim 6 that acts to evaluate the capacity of the remote worker management system and that is coupled to a recruitment and screening unit, whereby "the recruiting is based on task load information on the tasks in the task data structure, on the available

workers, and on the available workers." The Office Action cites Farenden at paras. 10, 11, and 143-160, but Applicant could find no teaching that Farenden's recruiting process operates as called for in claim 6. Paragraphs 10 and 11 only summarize the recruiting method and fail to teach the capacity manager and recruiting and screening unit called for in claim 6. Paragraphs 143-160 discuss "Candidate Invitation" and this process is generally based on analyzing a completed "skills questionnaire" compared to hiring objectives/openings of a company/customer. There is no discussion in these paragraphs of managing capacity based on task load information, available workers, and worker task skills. Further, there is no discussion that such a capacity manager would be tied to a recruiting and screening unit such that the recruiting would be performed based on the results generated by the capacity manager. Bunting fails to teach such use of a capacity manager and Farenden fails to overcome this deficiency as it at best describes recruiting to meet "yearly hiring objectives" and fails to teach looking at existing capacity, skills of existing workers, and recruiting to manage system capacity. For these reasons, claim 6 is believed allowable over the teaching of the two cited references.

In the Response to Arguments, the Examiner disagrees with the above distinguishing remarks and points again to para. [0143] "where the task load information is the criteria set forth by the employers or recruiters" that "are matched against the qualification of the available workers and available workers skill sets." However, this takes a large leap in the construction of "recruiter's pre-defined invitation criteria" as discussed in para. [0143]. The Examiner is stating that task load information could be this pre-defined criteria but the only teaching for such a definition of the criteria is found in Applicant's specification. Farenden provides the examples of "function and school" for this criteria and says these may be an electrical engineer and the University of Michigan. One skilled in the art would not be motivated to modify the teaching of Farenden without the teaching of Applicant.

This would be impermissible 20/20 hindsight, and Applicant requests that the rejection be withdrawn.

Claims 7-9 depend from claim 6 and are believed allowable for reasons provided for claim 6.

Independent claim 10 is directed to a system with limitations similar to claim 6 and is believed allowable for the reasons provided for allowing claim 6. Claims 11 and 12 depend from claim 10 and are believed allowable at least for the reasons provided for allowing claim 10.

Independent claim 13 is directed to a method for managing workers. The arguments presented with regard to claim 1 are believed applicable also to claim 13. Specifically, claim 13 calls for recruiting workers "wherein the recruiting occurs automatically based on task load information about the stored tasks." The Office Action indicates Bunting fails to teach these claim elements, but it cites Farenden at paragraphs 122, 126, 164, 165, 177, 184, and 187 for teaching this limitation. However, these paragraphs seem to only be discussing how the Farenden recruiting techniques can be automated. There is no discussion that the recruiting of Farenden is performed "based on task load information about the stored tasks." Applicant requests that this rejection be withdrawn or a specific citation in Farenden is provided that shows these claim elements. It is believed that Farenden only shows planning hiring to meet objectives such as yearly objectives but not hiring based on task load information related to a number of stored tasks. Hence, claim 13 and claims 14-31, which depend from claim 13, are believed in condition for allowance. The Response to Arguments cites to Farenden at para. [0143], but as discussed with reference to claim 6 the "pre-defined invitation criteria" does not include task load information as called for in claim 6 (and claim 13).

Independent claims 32, 53, 58, and 64 are directed to a system and have limitations similar to claim 13 written in varying apparatus claim formats. Hence, claim 32 is believed allowable for the reasons provided for allowing claim 13 over

Bunting and Farenden. Claims 33-52, 54-57, 59-63, and 65-70 depend from claim 32 and are believed allowable at least for the reasons provided for allowing claim 32.

Conclusions

Issuance of a timely Notice of Allowance is requested in this case.

No fee is believed due with this Amendment. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

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